

REMARKS

Claims 1-30 are pending with entry of this Amendment.

Applicant acknowledges the allowance of Claims 1-25.

Claims 26-30 stand rejected.

Rejection under 35 U.S.C. § 112

On page 2 of the Office Action, the Examiner improperly rejected Claims 26-30 under 35 U.S.C. § 112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. While Applicant disagrees with the merits of the rejection, Applicant has amended independent Claims 26 and 27 for clarification purposes. Thus, independent Claims 26 and 27, as amended, are method claims are written to contain positively recited steps. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112 of Claims 26 and 27 are hereby respectfully solicited.

Claims 28-30 are ultimately dependent upon independent Claim 27. Claim 27 is in condition for allowance. Thus, the claims depending from independent Claim 27 are patentable at least by virtue of their dependence, without need to resort to the additional patentable limitations contained therein. Reconsideration and withdrawal of the rejection of Claims 28-30 under 35 U.S.C. § 112 are hereby solicited.

Conclusion

This Amendment has been submitted responsive to the Office Action mailed November 8, 2007. Claims 1-30 remain pending in the subject application.

Applicant believes that the present application is now in condition for allowance and such action is earnestly requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephonic or in-person interview would advance the prosecution of the application.

Should any additional fees be necessary in connection with the filing of this Response, or if a petition for extension of time is required for timely acceptance of the same, such a petition is made and the Office is authorized to charge such fees to **Deposit Account No. 08-0870**.

Respectfully submitted,

/mcc/

Mark C. Comtois

Reg. No. 46,285

Duane Morris, LLP
1667 K Street, NW
Suite 700
Washington, DC 20006
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Date: December 28, 2007

**Notice of Non-Compliant Amendment
(37 CFR 1.121)**

Application No.
10/694,082

Applicant(s)
NORRIS, JAMES ANTHONY

Art Unit
3700

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12-07-2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other:
- ☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /Ruby Johnson/

Telephone No: 571-272-4359